

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND )  
SOUTHWEST AREAS PENSION FUND, )  
and HOWARD McDOUGALL, as Trustee, )

Plaintiffs, )

v. )

M & S TRANSPORT, INC., an Illinois )  
corporation, )

Defendant. )

Case No. 08 CV 2592

District Judge Der-Yeghiayan

**JOINT JURISDICTIONAL STATUS REPORT**

**NOW COME** Plaintiffs and Defendant, by their attorneys, and present this joint jurisdictional status report pursuant to the Court's standing orders. In support, the parties state as follows:

I. Subject Matter Jurisdiction.

This is an action for collection of withdrawal liability, interest, and penalties incurred by an employer as a result of partial withdrawals from a multiemployer pension plan. The lawsuit arises under the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended by the Multiemployer Pension Plan Amendments Act of 1980, 29 U.S.C. §1001, *et seq.* This Court has jurisdiction over this action pursuant to §§502(e), 502(f), and 4301(c) of ERISA, 29 U.S.C. §§1132(e), 1132(f) and 1451(c).

II. Venue (Plaintiffs' Position).

Venue properly lies in this Court pursuant to §§502(e)(2) and 4301(d) of ERISA, 29 U.S.C. §§1132(e)(2) and 1451(d), because the Pension Fund is administered from its

principal place of business in Rosemont, Cook County, Illinois. Additionally the forum selection clause in Plaintiffs' Trust Agreement designate the Northern District of Illinois as the proper venue for all such lawsuits.

Respectfully submitted,

/s/ Edward H. Bogle

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Respectfully submitted,

/s/ Rory K. McGinty

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June 19, 2008

**CERTIFICATE OF SERVICE**

I, Edward H. Bogle, one of the attorneys for Plaintiffs, certify that on June 19, 2008, I caused the foregoing joint jurisdictional status report to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system.

/s/ Edward H. Bogle

Edward H. Bogle  
Attorney for Plaintiffs